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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1345 OF 1999
ALONG WITH
CIVIL APPLICATION NO. 736 OF 2002
WITH
CIVIL APPLICATION NO. 1095 OF 2006
WITH
WRIT PETITION NO. 6337 OF 2000

Shri. Pedanna Rangappa Madrasi
and Ors. ... Petitioner

Vs.

The State of Mah. and Ors. ... Respondents

Mr. C.G. Gavnekar for Petitioner.

Mrs. S.S. Bhende, A.G.P. for State.

CORAM: F.I. REBELLO &
R.V. MORE,JJ.
DATED: JANUARY 25, 2007

P.C.:

. The Petitioners in Writ Petition No. 1345 of 1999 are challenging the order of M.A.T. whereby the application for regularization in the service of the Government Medical Hospital, Miraj was rejected. The learned tribunal however, considering the long years of service put in by the Petitioners directed to prepare a seniority list of all such class IV appointees who were appointed in the last three years on ad hoc basis or short term vacancies and whose original appointments were effected in a proper manner consistent with the principles of Art. 15 of the Constitution and if the Petitioners were

entitled to be considered for further reappointment. In accordance with the list, they should be considered subject to their suitability and availability. The tribunal also directed that hereafter the Respondent state shall not appoint any person other than the person or persons included or to be included in the aforesaid list and no other person than such persons should be considered for ad hoc or short term vacancies till the aforesaid list is exhausted.

. Civil Application No. 736 of 2002 was an application to withdraw the order of termination and to direct that the Petitioners be given posting pending final hearing.That application was ordered to be heard along with main Petition.

. Civil Application No. 1676 of 2004 was an application by the applicants therein tobe impleaded as Petitioners Nos. 24 to 34 in the above writ Petition. Here also an order was passed that it be heard along with main writ petition.

. There was another application for joinder of applicants as Petitioners being Civil Application No. 1095 of 2006. Earlier order was passed that on payment of deficit court fees, the application be heard along with writ petition.

. Writ Petition No. 6337 of 2000 is by the Petitioners seeking prayer to absorb the Petitioners in permanent posts and to give them permanency benefits of the post. The Petitioners are also employed with Medical College and Hospital Miraj. However, it appears that they have not moved M.A.T. for any relief but have come directly to this court.

. With that background, we may now dispose of the above applications and petitions. The Supreme Court in Secretary, State of Karnataka and Ors. Versus Umadevi and Ors. AIR 2006 S.C. after considering its earlier judgment has declared the law in the matter of absorption/regularization in Government services. The law now declared is that the courts ordinarily should not issue direction of regularization more specially in those cases where there are no posts and where recruitment was not done by the normal process. To be regularized in Government service, requires that there must be post available. In all these cases, there were no posts. The Petitioners and or applicants were appointed as ad hoc employees. On behalf of the State Government reply has been filed by Dr. Dattatraya Kumbhar, Lecturer in Microbiology, Government Medical College, Miraj, Dist. Sangli on 25.8.2005 in the matter of regularization of services. In terms of

that circular, the Government has taken a decision not to regularise any ad hoc employees. In our opinion considering the Government circular and the judgment in Umadevi (supra), the order of the tribunal does not suffer from any error of law apparent on the face of the record.

. We may note that the tribunal has issued some directions of maintaining seniority and for considering the applicants before it for appointmnet as and when vacancies arise. We find no reason to interfere with the said decision considering the discretion exercised by the tribunal.

. In the light of that Rule discharged in both the petitions. There shall be no order as to costs.

. As the Petitions are disposed of, the Civil Applications also consequently stands disposed of.

(R.V. MORE,J.) **(F.I.REBELLO, J.)**